



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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OFFICE OF  
ECOSYSTEMS, TRIBAL AND  
PUBLIC AFFAIRS

August 4, 2011

William W. Stelle, Jr.  
Regional Administrator  
NMFS Northwest Region National Oceanic and Atmospheric Administration  
7600 Sand Point Way NE  
Seattle, Washington 98115

Re: U.S. Environmental Protection Agency (EPA) comments for the Clark Springs Water Supply System (CSWSS) Habitat Conservation Plan (HCP) Final Environmental Impact Statement (FEIS). (EPA Project Number: 06-044-FWS)

Dear Mr. Stelle:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Our July 6, 2010 letter on the DEIS describes concerns and recommendations relating, primarily, to Habitat Conservation Measure (HCM)-1- Rock Creek Flow Augmentation, and, HCM-2- Passage Improvement at Mouth of Rock Creek. Without HCM-1 and HCM-2 the City of Kent's water withdrawals could result in, for example, limited access to Rock Creek and critical habitat considered essential to the conservation and recovery of Puget Sound Chinook salmon.

To address our concern that HCM-1's requirement for maximum augmentation rates (and not minimum instream flows) could result in instream flow shortfalls and adverse impacts to fish, we recommended that the FEIS more sufficiently account for land use and climate changes, and, more explicitly address potential instream flow shortfalls.

- The updated version of Figure 3.2-1 Land Uses in the Rock Creek Basin and FEIS responses to comments EPA-5, EPA-6, and, EPA-7 address our land use change recommendations.
- HCM-1's new adaptive management process for flow augmentation initiation based on Chinook salmon spawn timing in the Cedar River is responsive to our recommendation to account for the state of science on projected climate change impacts.
- HCP information on adaptive management for extended droughts is related to and partially accounts for our recommendation to more explicitly address instream flow shortfalls. Because adaptive management in general - and for extended droughts in particular - appears to be the HCP's key process for dealing with instream flow shortfalls, we recommend that the Record of Decision disclose the types of special mitigation measures that could offset relief from HCM-1 requirements.

To address our concern about risks to HCM-2's passage improvements we recommended that the FEIS and HCP include adequate requirements to ensure that improvements are reconstructed when the need arises. In particular, we recommended that the FEIS include additional information on how funding equal to "one complete reconstruction effort" is adequate in light of potential disturbances.

- The FEIS and HCP are not responsive to our specific recommendation on HCM-2, but we understand the need for limited liability and believe the City's commitments to maintenance and the revision to Monitoring and Evaluation Measure-4 (monitoring the structure following any flow events greater than 50 cfs) account for our concern.

Thank you for this opportunity to comment and if you have any questions please contact me at (206) 553-1601, or by electronic mail at [reichgott.christine@epa.gov](mailto:reichgott.christine@epa.gov), or you may contact Erik Peterson of my staff at (206) 553-6382, or by electronic mail at [peterson.erik@epa.gov](mailto:peterson.erik@epa.gov).

Sincerely,



Christine B. Reichgott, Manager  
Environmental Review and Sediment Management Unit